

## **Questions for Zoning Commission from Comment Boxes, Emails/Letters to Chair of Zoning Commission, and Public Meetings**

### **Q/A #185 - 196**

#### **Zoning Purposes & Definitions**

**Q185: Thanks for the incredibly good job the commission is doing to answer questions. I have the following question. If zoning is not adopted, what could my neighbor do with their large property? I would appreciate answers to each of these possible uses. Could they use it as a: gas station? A pig farm? A factory? A race track? A junk yard? A bar? An adult entertainment establishment?**

A185: If zoning is not adopted, then (as is the case currently) nearly any use could be sited anywhere in Caroline. Specifically to your questions: your neighbor could use their property to have a gas station, a pig farm, a factory, a race track, a junk yard, a bar or an adult entertainment establishment. There are some uses for which state law has some restrictions on where they can be located (for example, NYS DEC would regulate the location and design of underground gas tanks) or whether they can exist at all (for example, the state has banned High Volume Hydraulic Fracturing). There are also some uses which state law prevents local zoning from affecting. For example, if the property is in an Agricultural District (as defined by the state) then New York Ag & Markets Law 25-aa regulates any farm-related use (such as a pig farm) and local zoning does not apply. At the local level, the town has a Site Plan Review law, however this law cannot designate certain areas of a town where a use is not allowed nor can it in general be used to prevent a use. The purpose of site plan review is to look at and potentially affect how a use is laid out on a parcel of property. Zoning is the main tool available to the town for separating incompatible uses and protecting important environmental and cultural resources. The town has a couple of existing laws that are relevant to your question. The town's 1986 law "Promote Attractiveness of Property" is oriented towards the accumulation of small amounts of "junk" on private property but could apply to a "junk yard." The law does not restrict location but does specify the use of fences, screening vegetation, or structures to hide the "junk" and minimize public hazard from the material. The 1999 "Adult Use Law" specifies buffer distances of 500 feet from the town border; 1,000 feet from residences, schools, churches and parks; and 2,500 feet from liquor stores for an adult-use enterprise. If all of your neighbor's property was inside any of these buffer distances they could not have an adult entertainment establishment but otherwise they could.

#### **Decision-making Processes**

**Q186: I would like to know when the zoning commission will hold an informational meeting for the residents in Caroline. And also how can a resident get a hold of the 150 page zoning draft. And the answers to questions. Will the Town Board print this? It's hard to sit in front of a**

**screen for a long time. Thanks for passing this on to the right people. I also want to say No ZONING needed.**

A186: The Zoning Commission is working on revising the 12/28/21 first draft of a zoning law posted on the [Commission's website](#). The Commission is striving to have the first three articles of the draft law revised and ready for comment in the coming weeks, mostly likely for public information meeting(s) in April. Information about the time and place of meetings will be posted on the website and publicized in various newsletters and posters in the Town of Caroline. Materials for the meeting, including the revised sections of the draft law, will be available in hard copy at the Town Hall and the Town Library and will be posted on the Commission's website. Copies of the 12/28/21 draft are available at the Town Hall and Town Library now, if you would like to pick one up. Responses to questions and comments received by the Zoning Commission are posted on the website. A subset of the questions/answers have been printed and shared at the December public information meetings and in the March Town of Caroline newsletter mailed to all Town residents.

## **Allowed Uses**

**Q187: I am writing as a landowner and farm business owner in a proposed ag/rural zone in the Town of Caroline, and as a previous landowner in the Brooktondale Hamlet zone. My overall very strong preference would be to not have a zoning law at all. While I largely agree with the overall stated objectives of this commission, I am concerned that the laws will drift over time to be more restrictive and less consistent with our current values. Additionally, the hurdles that will be required to go through zoning permitting processes and arguments and appeals will make it much less appealing to build in this area or start small businesses. Everything will slow down and be more painful and allow for more infighting among neighbors. The town budget will have to increase to handle all these permits, etc. Finally, right now, if you move here to Caroline, you know people can do what they want with their properties. With zoning, persnickety people might feel they have the right to object to a neighbors' activities, sounds, odors, house color choice, etc. I don't want that in this community.**

A187: Zoning in the Town of Caroline will not impose restrictions on what your house and yard look like. Currently, new residential construction requires obtaining a building permit from the Code Enforcement Officer for reasons of safety and public health and that will continue, but there will be no additional zoning-related restrictions on what your house looks like or how you choose to maintain the yard of your home. There have been posts on social media that equate zoning in the Town of Caroline with the types of restrictions and requirements often found in restrictive Homeowners Associations; such a comparison is not accurate. The zoning law being developed for the Town of Caroline does not include architectural or other restrictions or requirements on single- or two-family residential dwellings. Small businesses are encouraged in the Town through the draft zoning law's inclusion of Home Occupations (home-based businesses) in all zoning districts in the Town. In addition, residents and business owners alike want to make sure their investment is going to be valuable in the long run. With zoning, local property owners

are protected from incompatible businesses opening close to them that would decrease the value of their property. All zoning districts in the Town will allow some type of business activity, with the types and maximum dimensions varying somewhat by district. The Use Table and Dimensions Table in Article III of the draft law provide examples; keep in mind these sections of the draft law are being revised (and will be the focus of public information meeting(s) to be held this spring). Keep in mind as well that the vast majority of communities in New York (almost every village and city and three-quarters of towns) have zoning and much business development has still occurred in those communities.

**Q188 (a-XX): If the law must proceed, then I have the following comments:**

**a) I think a major driver of this proposal was to prevent the Dollar General-type stores from coming in. That could all be accomplished with the single section 5.3 The rest should be left out.**

A188a: Work toward appropriate land use and building regulations for the Town of Caroline has been underway for many years, related to updating the Town's Comprehensive Plan. The Zoning Commission's work to develop a draft zoning law for consideration by the Town Board is not in reaction to any particular singular development proposal. A store like a Dollar General is a type of Formula Business. As you note, the 12/28/21 draft zoning law includes design standards for formula businesses in Section 5.3. However, New York State requires certain standard sections and language to be included in a legal zoning law, so Section 5.3 could not, in itself, be a complete, legal zoning law for the Town.

**b) This law is overall far, far too restrictive with regards to aesthetics and design. Landowners in this area did not buy into an HOA-type community where aesthetics are rigidly controlled. We bought into a rural area with no zoning, where we are free to use the land as we see fit and build structures that suit us. To impose these restrictions now is an unreasonable intrusion on our lives and properties.**

A188b: Homeowners Associations often place specific restrictions and requirements on residential dwellings, including focusing on aesthetics and design. The draft zoning law being developed for the Town of Caroline will not impose restrictions on single- and two-family residential dwellings, including the architecture and landscaping of such properties. However, even currently without a zoning law new construction of residential buildings or most accessory structures requires obtaining a building permit from the Code Enforcement Officer for reasons of safety and public health. Landowners, even now, are not totally "free to use the land as you see fit and build structures that suit you." In a republic like the United States, some restrictions on personal freedoms exist on individuals to protect community interests and protect others from harm.

**c) There are far too many "recommendations." Who resolves a conflict between a board member who wants to require a recommendation, and a landowner who wants to do something different? I could see putting out a publication by the Town for recommendations for building in Caroline to suit the community, but I struggle to see how all**

**these subjective recommendations fit into a written law. I think a lawyer needs to review this.**

A188c: The draft zoning law will be thoroughly reviewed by a lawyer before it is considered for adoption by the Town Board. It's not clear what you mean when you refer to "recommendations." Article V describes standards for commercial (non-residential, non-agricultural) building design, which are requirements, not recommendations. Article VI, Site Plan Review, draws from the Town's existing site plan review process to incorporate it into the draft zoning law rather than having it remain as a separate Town law. The Town already has a functioning Review Board that carries out the types of review processes described in Article VI. If zoning is adopted for the Town of Caroline, a zoning board of appeals will be established, which functions as a conflict resolution mechanism for variances and appeals.

**d) I object to the exclusion of veterinary practices from the ag/rural zones. I see this as a reasonable use of ag/rural land, especially if a large animal veterinarian wants to set up a clinic, but also for small or mixed animal clinics.**

A188d: The Zoning Commission is currently discussing and revising the Use Table in Article III, and has discussed including veterinary practices as an allowed use in the Ag/Rural district. Thank you for this input.

**e) Does the law restrict animal housing in the residential districts? Currently in Brooktondale, there are least backyard poultry and occasional horses, and this should be a protected right.**

A188e: The draft zoning law places no restrictions on animals in the hamlets. Agricultural and farm activities are allowed uses in all zoning districts. There have been postings on social media claiming that the draft law would, for example, outlaw chickens or prevent residents from selling eggs; such claims are untrue.

**f) Regarding the minimum lot sizes in the hamlets of 1 acre – that sounds too large to me. My old lot was 0.31 acres on septic. It will be difficult to have dense housing in the hamlets with those lot sizes.**

A188f: In the past it was easier to get a septic permit for a small lot such as the one you mention. However, in the 1970s Article VI of the Tompkins County Sanitary Code was changed to specify a minimum lot size of 1 acre usable area in order to ensure adequate separation distance between water source and septic systems on a parcel. For lot sizes of one acre or larger, Tompkins County Environmental Health will engineer an On-Site Waste Treatment System (septic system) for the landowner. Section 6.06(g) of the Tompkins County Sanitary Code does include an exception: if a landowner hires their own design professional, if Tompkins County Environmental Health approves the system designed by that professional, and if all other conditions of Sanitary Code Section 6 are met, the 1 acre minimum lot size and other minimum lot dimension specifications can be waived. The Zoning Commission will be discussing minimum lot sizes in an upcoming meeting when it considers revisions for the Dimensions Table in Article III of the 12/28/21 draft

zoning law (available on the [Zoning Commission Webpage](#)) which specifies a smaller minimum lot size in hamlet districts if public water and sewer are available.

- g) The draft states that any land use not specifically noted in section 3.1 is prohibited. I can't imagine this list is exhaustive of uses that might fit in with our community now or in the future. Wouldn't it be better to say that anything not mentioned would have to undergo board review and approval?**

A188g: The Use Table (see Article III in the 12/28/21 draft zoning law available on the [Zoning Commission Webpage](#)) is more general than it appears at first glance; in a way, it does exactly what you suggest. First, anything that meets the definition of a home occupation (see Article XIII Terminology) is an allowed use, whether or not that use appears elsewhere in the table. In addition, there are three very general categories ("Service Businesses Not Otherwise Listed in This Table," "Retail Sales Not Otherwise Listed in this Table," and "Office") that are there because no finite list can be exhaustive. Finally, the list should not be considered static; it is advisable that the Use Table be revisited periodically after a zoning law is adopted to keep it up to date; it is possible (see Article XII Amendments) for a landowner to petition the Town Board to amend the zoning law (including, of course, the Use Table).

- h) Section 4.2 and part A.4. this sounds too much like an HOA and goes way beyond reasonable. Depending on who is on the board and their opinions, this could be extraordinarily restrictive. Who decides what materials are appropriate? Who decides what matches enough between house and outbuildings? E.g., I have a blue house and a brown barn, would that be allowed? Also, do you really want to make people have extra long driveways to drive around the back of their house to a garage? In an area with this much snow? I would remove this.**

A188h: The Development Standards in Article IV, particularly Sections 4.2 and A.4 that you mention, pertain to commercial (non-residential, non-agricultural) buildings and to major subdivisions, not to the construction or design of single- or two-family residential dwellings. Homeowners Associations often have many restrictions on the design, landscaping, and architecture of residential dwellings; the draft zoning law does not have such restrictions and is not comparable to a HOA. The language about garages not facing the road is referring to new major subdivisions; the Zoning Commission has not yet discussed this section (nor Articles IV or V) in detail and the language may change. Thank you for expressing your concerns about that passage.

- i) Same with part 4.2.B.9.b in the hamlets. Zoning law should not regulate aesthetic details. Far too subjective and we don't need to have Caroline stuck in the past aesthetically to preserve a charming rural area.**

A188i: As noted in A188h above, Section 4.2.b.9.b pertains to commercial (non-residential, non-agricultural) buildings. Most of the content in Articles IV and V deals with various building and

design standards for commercial buildings and will be discussed and revised by the Commission in the coming weeks. Thank you for expressing your concerns.

- j) Section 4.2 overall is highly subjective. What is anyone supposed to do with this information? What is required vs. not? What aspects can the review board use to deny an application? How will these requirements be fairly applied across projects and across time?**

A188j: Thank you for your questions on this section; the Zoning Commission will be working on Article IV in the near future and will discuss your concerns at that time. We realize that it is often unclear whether provisions in this article apply to all new buildings or only to commercial buildings and/or large housing subdivisions. That will be clarified in future drafts; be aware that many of the provisions in Article IV, including many in the Section 4.2 that you mention, do not apply to single-family, two-family, or townhouse residential development. The subjective and “aesthetic zoning” language in this section will be looked at very carefully and your comments are helpful to that discussion.

- k) It is absolutely impractical to suggest that ag buildings should be wood sided. I strongly disagree with this recommendation. There are many advantages to steel ag buildings, and they can still be attractive. The buildings will be longer-lasting, less likely to fall into disrepair and decay (as many old farm buildings out here have), don't need re-painting to maintain attractive outer appearance, etc. Additionally, not everyone wants a gambrel roof and this style isn't hugely more prevalent in this area. Why mention this? You will influence cost, feasibility, etc.**

A188k: The draft zoning law would not set restrictions on the construction of buildings used for agricultural purposes. Articles IV and V focus on commercial (non-residential, non-agriculture) buildings and major subdivisions. The Zoning Commission will be discussing and revising these articles dealing with design-related standards in the coming weeks. Thank you for expressing your concerns, which will be considered.

- l) Section 5.2.10-11: These are excessive, especially in ag/rural areas where dumpsters may be used frequently and need easy access, and where poor utility service means dishes/etc. are more likely to be needed. This also is not already standard and would be a new imposition rather than maintaining character.**

A188l: This section of the draft law deals with commercial (not residential, not agricultural) buildings. The Zoning Commission will be discussing this section in the coming weeks and will consider your input.

- m) Section 5.2.13: Landscaping requirements can be quite a burden. Especially for ag where the additional cost can be quite a burden and the sort of landscaping proposed is not traditionally present.**

A188m: The landscaping standards in this section are for commercial buildings, not residential, and not agricultural.

- n) Section 5.4.C: Again, these requirements for screening propane tank, etc. This has not been a part of Caroline, and therefore regulations like this are not “preserving” any character. They are imposing the commission’s preferences on the whole community.**

A188n: The provisions of 5.4.C are for commercial buildings, not residential, and not agricultural.

- o) Multi-family dwelling units – I think there should be allowable increase in density for multi-family dwellings. There is at least one old converted barn on Brooktondale Road that has apartments, and I feel this is appropriate for the area. There could be more of that size and style dwellings which would maintain character and provide more affordable housing. Additionally, I quite like the Boiceville cottages and think that sort of development should be encouraged.**

A188o: Multi-family dwellings are shown as allowed in all proposed zoning districts in the Use Table in Article III of the 12/28/21 draft zoning law. The Use Table is currently being discussed and revised and will be one of the main topics of discussion at the upcoming public information meeting(s) to be held this spring. The draft zoning law includes provisions for Conservation Subdivisions, an approach to siting multiple residential dwellings on a large land parcel that is similar in some ways to the Boiceville Commons approach by reserving some land for conservation and community use, walking trails, etc..

- p) Does horse boarding fall under commercial or ag use if <10 horses (i.e., doesn’t meet commercial horse boarding operation requirement according to NYS)? What if a horse owner wants to build a barn and facilities but not board horses, is it still farm/ag? As I think small horse farms fit with the character of the area, Caroline might choose to specifically include that these smaller operations all into the farm/ag zoning categories. Especially since they don’t fit in the hamlet/commercial zones and won’t fit in the “home occupation, major” category since the horse housing facilities will be large compared to the home.**

A188p: As you note, to be an agricultural operation in the eyes of New York State, a horse boarding business must have at least 10 horses (and, as it turns out, also must be more than 7 acres in size). The key point is that agricultural operations are covered by Ag & Markets Law 25-aa if the agricultural operation is also in an Ag District. In that case, the NYS Ag & Markets law prevents local regulation of the activity; that is, something like zoning could not regulate the existence or operation of the agricultural use. As you suggest, the town could decide to designate a smaller horse boarding operation as a farm, but that designation would not give any of the protections of 25-aa. However, note that one of the existing lines in the Use Table is “Agricultural or Farm Operation” and such uses are permitted in all districts in the town without any form of review. The definition of Agricultural Operation (see Article XIII Terminology in the 12/28/21 draft zoning law available on the [Zoning Commission Webpage](#)) includes the “raising, production and

storage" of livestock (among other things). It would seem that this definition is inclusive of horse boarding (of any size) but the Zoning Commission will discuss your comments to see if more specific language covering horse boarding should be added to the definition.

**Q189: I just want to point out the fact that some Caroline residents are POOR. As you should already know! Approximately 7.5 percent according to google. I also want to remind you that most of the town board body is or are supposed to be DEMOCRATS! So... in being a democrat my question to you is where is the compassion for the poor people in this community? I think you are purposely leaving this population behind. You know the zoning draft is not going to help these people but instead keep them in a poverty situation. I don't know the reason behind your continuation to leave these poor folks behind but I do know that it is not right! Zoning is not going to help these people get out of poverty. In fact it will make their situations even worse. See below my reasoning for this statement.**

**I'm looking at Section 6.4 Specific Standards and Considerations #15 Energy use and greenhouse gas emissions. In doing some research of my own I found information that stated an energy efficient home is 20 to 30 percent more expensive to build then a regular home. So if a poor person gets a little extra money and decides to replace the junky trailer that they currently live in with a nice new house - they wont be able to afford it! The draft even states they would have to use 20% more insulation and the more expensive type cellulose or spray foam. Along with specific expensive windows, energy efficient appliances such as or like fridges, washing machines, dishwashers, etc... Just so you know poor people can't afford a roomba! Hell.. middle class can't afford a roomba!**

**Furthermore, no normal person knows what SEQR means. So that has no value to me at all. Furthermore, I have no time to google SEQR at this point! So please enlighten me as to what this means for Caroline residents - I'm guessing further expenses?**

**D.The owner of the Development, once complete, shall conduct 3rd party building commissioning to ensure ongoing energy efficiency performance of buildings and share these results with the town board. So looks like we now have to add more expenses on for that; another 1-3 percent more for mechanical construction costs and .5 to 2.0 of electrical construction costs. And then creepily keep the town board in our business after the fact by you people making us share the results with them. So... what happens if we send in the "report" and its not up to the town boards standards? Do they come in and force us to get a Roomba? or other high tech devices that we can't afford?**

**The poor just keep getting poorer and the rich just keep getting richer!**

**These poor families will be forced out of this town with these new zoning restrictions in place. That doesn't seem very democratic of any of you in my opinion. Also it will probably even push middle class families out. You say you want to maintain the rural character of this town but by pushing out the people that make this place rural you are diminishing the character already. A house doesn't define a town! the people do.**



**The other question and confusing part about this draft is how does one know if you are referring to regular people building a house or if your referring to someone building a business or are they both twined into the same segment or category in the draft. As you can see I have never built a house myself so this zoning draft terminology is not something I regularly use in my everyday life. It makes no sense to the regular people of this town (even with your little help boxes all over the place!).**

A189: The section you are referring to does not apply to residential construction except for the very special case of “Multi-Family Residential” construction (defined as “a building or group of buildings or mobile homes on one lot containing 3 or more dwelling units,” see Article XIII Terminology in the 12/28/21 draft zoning law available on the [Zoning Commission Webpage](#)). The proposed zoning law has great flexibility in housing options: single-family, two-family, and multi-family dwellings are allowed, manufactured homes are allowed, accessory apartments are allowed, large developments like Boiceville Cottages are allowed, and there is no minimum lot size in the agricultural-rural district so there is great flexibility on lot size and layout. Together these work to ensure there are many different kinds of housing opportunities covering a full economic range. We understand that it is sometimes unclear what provisions apply to what types of construction and will do our best to clarify that in future drafts. Article VI is about site plan review and the specific Section 6.4 that you refer to gives some of the specific standards that a project going through such a review should comply with. Site plan review only applies to certain large projects (see Section 6.2(C) Applicability); it does not apply to single-family, two-family or any other residential construction other than the multi-family residential development noted above. The SEQRA process that you refer to is part of site plan review and therefore also only applies to large projects; developers for those kinds of projects are familiar with SEQRA requirements. The town has had a Site Plan Review Law since 2014. You are seeing the site plan review requirements in the zoning law because the town’s site plan law is being incorporated into the zoning law; having site plan as part of the zoning law rather than a separate law is considered best practice in land use law. The energy requirements you mention have already been part of town law for four years as they were part of a 2018 amendment to the town’s site plan law. The reason you (and many other town residents) are not aware of them is precisely because those requirements do not apply to nearly all residential construction. As an aside, we note that if someone wishes to insulate their home better or otherwise improve their energy efficiency, done properly the long-term money savings are larger than the upfront cost. Because those upfront costs are unaffordable for low-income households, there are programs in place (grants and also “pay on your bill” programs) designed to make such improvements more accessible.

### **Zoning District Maps**

**Q190: I am not sure that restricting development along 79 so severely is the right choice. If the hamlets expand, we would likely benefit from more convenience stores, feed stores, etc. which might come in the form of chains like Dollar General. Additionally, while many of the more privileged folks in Caroline think of these stores as unsightly or not charming, the less wealthy folks might get real benefit from having them here.**

A190: The Zoning Commission is currently discussing proposed boundaries for various zoning districts, including Hamlets and Commercial and Ag/Rural, as well as proposed allowed uses in the Use Table in Article III. Uses, Dimensions, and district maps will likely be the main topics of upcoming public information meeting(s) this spring. The Commission has discussed allowing Formula Businesses, convenience stores, food and beverage, and retail sales in the proposed Commercial district and some of the Hamlets. Thus far, Zoning Commission discussions have focused on the potential for having alternating nodes along Route 79, interspersing commercial/business uses, residential uses, and rural uses in multiple nodes across that stretch as a way to maintain rural character instead of a single continuous strip of development. In general, the Zoning Commission has been discussing allowing more uses in more districts than what appears in the 12/28/21 draft law posted on the Commission's website. More details will be available prior to the spring public information meeting(s).

**Q191: I am formally requesting that you add a new zoning classification called "anything goes", similar to what we all have now (maximum freedom), and that you update the map in the draft zoning law such that my parcel at 621 Old 76 Rd is classified as such. I suspect if each landowner were given the choice, then they would all want "anything goes" zoning classification for each of their own parcels, and a few selfish ones who don't cherish liberty and property rights would want something like "commercial", "agricultural", "hamlet", or "overlay" assigned to one or more of their neighbor's properties.**

A191: There is nowhere in Caroline that is truly "anything goes." Buildings require permits, for health and safety reasons. The town has a Site Plan Review Law that requires review for many types of projects and a Subdivision Review Law for major subdivisions, to protect critical resources and the character of neighborhoods. Building in or near some wetlands (those regulated by the DEC or the EPA) require review, to protect those fragile habitats and water quality. We take your point, however, that you would like no additional guidelines for development. The Zoning Commission has carefully considered the character of different areas of the town and at least so far has decided that some level of zoning is appropriate throughout the town; we will take your view into consideration as Commission discussions proceed. We hear you that you are angry; we encourage you to think about the need for some rules governing how property is used so that one person's use and enjoyment of their property does not impinge on someone else's property value or their ability to use and enjoy their property.

**Q192: I am contacting you regarding the zoning maps on the website. Although, I have not completed the entire zoning laws I felt that I should contact you regarding a concern I have with the area in the hamlet of Caroline that I have been a resident all my life. I am located along Slaterville road, my property along with my neighbors have a very unique nature environment and wetlands. I have lived in them my entire life. I just want to stress the importance of this property. The entire stretch of land covers the area from 79 and Harford Rd up through to Flatiron Rd. If I'm correct in my estimation there is at least 100-150 acres of wetland and unique natural habitat both plant and animal. The current of the water in the**

large ponds flow both west to 6 mile creek and also east to the owego creek and eventually emptied into the Susquehanna River. The water source from the wetland and the animals and plants that reside there are of utmost importance. Back in 1998, Cornell University did a study on the habitat, My parents who owned this property at the time allowed them to go back down there and observe and study. The outcome of the study proves that there were at least five endangered plant species and five endangered animal species. It is from my recollection from reading the report in which, unfortunately I cannot locate at this time, The animals were woodcocks, spotted New York State black snakes, a species of frog, fisher cat and peregrine falcon. I do not recall what plants were listed, there were several and of course this was back in 1998. However, I do know that there are birds of prey such as eagles, owls and peregrine falcons that are now residing there un- disturbed. I have met with the Finger Lakes Land and Trust on at least two occasions over the years keeping them informed of the importance of the property which they also agreed. Although, as long as I reside on this property my portion is protected by me, in the event I cannot take care of it I will make arrangements for the finger lakes land trust to do so. Meanwhile, my concern is that there is no category on the maps considering any kind of animal or plant habitat in our area. I also have concerns regarding the underground springs that run off the hills across the road from the wetlands that actually help feed the water to the wetlands. There is nothing on the map that shows the springs that travel across RT 79 and culverts that eventually feed the wetland. Very few people actually know the true layout of the land up here since most of these properties have been in families for years and years, therefore, I think some of the important geographics get overlooked and unreported. Parts of our hamlet are so uninhabited by people that the animal species have no idea who we are. Therefore, I am asking that the zoning commission please take into consideration that there should never be any kind of commercial development of any kind in this area and it stays as sleepy and beautiful as it has always been for the animals and plant species that reside here. I may feel the need to contact you regarding the zoning proposal, however at this time the unique and natural floral fauna in this area is my main concern and always will be. Thank you for your consideration.

A192: You are right; the area you live in and describe is a very special place in Caroline. Much of that area has been identified by Tompkins County as a Unique Natural Area and much of it has state-level protection because it is a NYS Department of Environmental Conservation-regulated wetland. As you probably know, much of that area is also part of the Finger Lakes Land Trust's Goetchius Preserve and hence protected by them; this includes lands on the east side of Flat Iron Road that are not part of the DEC-regulated wetland. In terms of the 12/28/21 draft zoning proposal (available on the [Zoning Commission Webpage](#)) much of the area on the north side of Rt. 79 is in the Water Resources Overlay District; you are correct that no special water resources are identified on the south side of Rt. 79. So far none of our information indicates that area on the south side of Rt. 79 should be included in the Water Resources Overlay but the Zoning Commission can look into whether water sources there feed into or are otherwise important to this wetland area; any information you have that you could provide the Commission would be helpful. The entire region you describe is in the Agricultural and Rural District, which is the district designed to have the lowest population density and lowest disturbance of natural features and

resources. Specific protections for wetlands, streams, rare and endangered species in the 12/28/21 draft zoning proposal include the following: Section 4.1E(2) larger developments are to identify Unique Natural Areas and mitigate possible impacts on them; Section 4.3(A) NYSDEC wetlands and streams are to be protected from disturbance including a 100' buffer around these areas; Section 5.5.12 Large housing developments in the agricultural/rural district are to be designed as conservation subdivisions, with specific protections for wetlands and streams, and critical or rare species; Article VI larger developments, both commercial and residential, have to go through site plan review and review criteria include protection of streams and wetlands and of rare species and their habitats. Finally, any residential development, even construction of a single- or two-family residence, in the Water Resources Overlay must go through an Abbreviated Site Plan Review. Abbreviated Site Plan Review for such construction is a one-meeting session in which the applicant must show that the building is not being placed in the protected Water Resources Overlay Area.

## **Hamlet Zones**

**Q193: I am concerned that the restrictions in the hamlet areas are too severe and will exclude businesses that are already present. E.g. There are some car places on Brooktondale road that are well-established and would be disallowed under the current draft, as far as I can tell. These businesses should be protected, and I have little faith that "grandfathering" them in will actually protect them. - Oh, I see on the maps some commercial zone on Brooktondale Road, if that is for these properties, then it seems to be covered. But what about the coffee/yoga place at the corner of Besemer and 79?**

A193: The allowed uses and sizes in all districts are under review by the Zoning Commission; please continue to check the Zoning Commission webpage for revised text and maps. We want to emphasize that commercial activities are allowed in all districts; what varies from district to district are the specific allowed uses and maximum allowed sizes of commercial buildings. Depending on the final Use Table and Dimensions Table (see Article III in the 12/28/21 draft zoning law available on the [Zoning Commission Webpage](#)) some existing businesses may not conform to the zoning regulations for the district they are in. Such uses will be "grandfathered," that is, allowed to continue and even expand by some amount (see Article VIII "Nonconforming Uses and Structures"). Grandfathering is a legal mechanism that can be enforced and that has been used successfully in all zoning laws so we are confident that it will work well in Caroline.

## **Siting of Specific Projects**

**Q194: Section 6.7 - submission 45 days before review is a looooong time. Let's be honest, who is really going to review it that early before a meeting? This process will already be long enough. Also, I feel strongly that the review board should include an agricultural member as per Article XI.I.**

A194: Section 6.7 is part of Article VI, which sets out the site plan review process. The town has had a Site Plan Review Law since 2014 and the 45-day requirement you mention has been in place the entire time. Site plan review is for commercial projects that meet certain criteria and for multi-dwelling residential construction of three or more dwelling units on one lot (see Section 6.2(C) Applicability in the 12/28/21 draft zoning law available on the [Zoning Commission Webpage](#) for the full list of site plan review “triggers”). For projects needing site plan review the Review Board needs time to review an application before meeting with the applicant; the 45-day requirement has proven adequate and not a problem. You are seeing the site plan review requirements in the zoning law because the town’s site plan law is being incorporated into the zoning law; having site plan as part of the zoning law rather than a separate law is considered best practice in land use law. Your strong support for having an agricultural member on the Review Board is noted; the Zoning Commission has not yet discussed Article VI and will keep your comment in mind when that section is discussed.

## **Protecting Environmental Resources**

### **Q195: Can zoning protect us from fracking if the statewide ban is lifted?**

A195: The top court in New York State affirmed a community’s right to ban the extraction of oil or gas using High Volume Hydraulic Fracturing (“fracking”). The court case did not depend on zoning so if the state ban were lifted Caroline could, with or without zoning, prevent fracking anywhere in the town. The state Assembly and Senate would have to amend state law if they wanted to prevent towns from banning fracking. If the governing law was changed to supersede local authority to ban, whether zoning would have an impact would then depend on the precise language adopted by the state. If the state-level ban is lifted and state law is not changed in a way that voids the applicability of zoning, then zoning would change one thing on the local level: if the town so chose, zoning would allow the town to ban fracking in some districts but not in others.

**Q196: I am still very concerned about my wetland located in the hamlet of Caroline, I'm also concerned that the town will possibly want to extend some kind of accessibility through my property and also my neighbors which borders the Goetchius nature preserve. I am totally against any kind of human accessibility in these very unique and fragile areas. I have seen people walk into the nature trail on flat iron road with dogs off leashes at all hours of the early morning and later evening. This is totally unacceptable for the floral fauna that has lived there undisturbed for years and years! Could you please enlighten me if Zoning will include accessibility to our properties through the region I explained above. I would also like to stress that I do not believe that the magnitude of the zoning proposal draft is necessary for the little town of Caroline. Therefore I am writing to inform you, I feel zoning is not needed!**

A196: Nothing in the 12/28/21 draft zoning law (available on the [Zoning Commission Webpage](#)) would allow the town to extend accessibility to the Finger Lakes Land Trust Goetchius Preserve through your private property. Public access language such as that found in Section

4.2(A)12 relates only to newly-built Conservation Subdivisions, which are larger residential developments that have at least 5 subdivisions of a lot. Regarding dogs, the Finger Lakes Land Trust website states: "Dogs must always be kept in full control by their owners, and must not be allowed to chase wildlife or intimidate other visitors. Dogs must be kept on leashes at all times at certain preserves where posted." We certainly agree that trampling fragile areas should be added to this list! We encourage you to communicate your concerns over dogs to the Finger Lakes Land Trust; unfortunately it is likely that enforcement of their policy is challenging. We acknowledge your statement that zoning is not needed, but please also see Answer 192 about some additional protections zoning can provide for this special and sensitive area.